IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
-(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

WRIT PETITION No.140 OF 2007

Between:

Syed Aktar

..... PETITIONER

AND

The Senior Superintendent of Post Offices,
Hyderabad South East Division,
Hyderabad and another.

....RESPONDENTS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
P.SWAROOP REDDY

WRIT PETITION No.140 OF 2007

O R D E R

(Per Sri Justice J.Chelameswar)

The petitioner had earlier approached the Central Administrative Tribunal, Hyderabad, by way of filing O.A.No.599 of 2005 praying that there be a direction to the respondents to confer temporary status on the petitioner as he had worked with the respondents as casual employee for more than 240 days. The said O.A. was disposed of by an order of the Tribunal dated 20.07.2005 directing the respondents to consider the case of the petitioner in view of an alleged representation said to be pending at that point of time before the respondents and pass appropriate order in accordance with law. Pursuant to the said order of the Tribunal, the respondents by an order dated 02.09.2005 rejected the claim of the petitioner and hence the present writ petition with a prayer as follows:

> **"… Hon'ble Court may be pleased to issue a Writ, Order or direction, especially, one in the nature of Writ of Certiorari calling for the records of the orders passed in O.A.No.599 of 2005, dated 20.07.2005 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, and to quash the same and further declare that the proceedings No.B1/Misc/2005 dated 2.9.2005 is illegal, arbitrary and to set aside the same and consequently direct the respondents to grant temporary status to me with all consequential benefits and pass such other…"**

Whether the decision of the respondents dated 02.09.2005 is right or wrong is a matter, which is required to be examined by the Central Administrative Tribunal as a Court of first instance in view of the decision reported in L.CHANDRA KUMAR V/s UNION OF INDIA[1].

In the circumstances, the writ petition is dismissed at the admission stage itself with a liberty to the petitioner to approach the Central Administrative Tribunal, if so advised.

JUSTICE J.CHELAMESWAR

P.SWAROOP REDDY

27TH FEBRUARY, 2007
PGS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
P.SWAROOP REDDY

WRIT PETITION No.140 OF 2007
(Per Sri Justice J.Chelameswar)

27th FEBRUARY, 2007

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[1] 1997 SC 1125